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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,091	02/06/2004	Michael J. French	BMCA9159.388	2090
27062	7590	09/01/2004	EXAMINER	
BOMBARDIER RECREATIONAL PRODUCTS LEGAL SERVICES - ST. BRUNO PO BOX 230 NORTON, VT 05907-0230			WAKS, JOSEPH	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,091	Applicant(s) FRENCH, MICHAEL J.	
	Examiner Joseph Waks	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☐ Claim(s) 1,6,7,9,19 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 2-5,8,20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 7, 9, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Purkey (US 6,717,291).

Purkey discloses invention as claimed: an energy source 42 converting mechanical energy from an engine 32 to electrical energy, an engine operation sensor configured to provide feed- back regarding engine operating status, a controller 46 connected to the engine operation sensor to receive the feedback as to engine operating status and configured to prevent transference of electrical energy from the energy source to an engine electronic upon engine shut-down.

Re claims 6 and 7, the AC/DC converter is inherent to the vehicle electrical storage system chargers.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenen et al. (US 6,369,532) in view of Purkey (US 6,717,291).

Koenen et al. disclose means 10 for providing electrical power, an ECU 20 powered by the means for providing electrical power, means for indicating rotational movement 28, and means 52, 54, 56 for storing electrical energy. However, Koenen et al. do not disclose the means for preventing loss of the stored electrical energy.

Purkey (US 6,717,291) disclose powering system having means 46 to prevent transference of electrical energy from the energy source to an engine electronic upon engine shutdown thus preventing the loss of energy stored in the capacitor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the system as taught by Koenen et al. and to provide means 46 to prevent transference of electrical energy from the energy source to an engine electronic upon engine shutdown as taught by Purkey (US 6,717,291) for the purpose of preventing the loss of energy stored in the capacitor.

Allowable Subject Matter

5. Claims 10-18 are allowed.

The feature of the power switch connected between the energy storage device and the engine electronic wherein closing of the power switch allows transference of electrical energy from the energy storage device to the engine electronic, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

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6. Claims 2-5, 8, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Re claims 2-5, the feature of the engine operation sensor including an engine position sensor designed to provide feedback of rotational position of a rotary component of the engine, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

Re claim 8, the feature of the switch connected between the energy storage device and the engine electronic wherein closing of the power switch allows transference of electrical energy from the energy storage device to the engine electronic, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

Re claims 20 and 21, the feature of the crank position sensor configured to provide feedback regarding position of the crankshaft to the ECU enablement circuit, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (571) 272-2037. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Waks
Primary Examiner
Art Unit 2834

8/30/04